

Title 33
ENVIRONMENTAL QUALITY
Part VII.Solid Waste

Chapter 5. Solid Waste Management System

Subchapter A. Administration, Classification, and Inspection Procedures

§501. Administration

This program shall be administered by the ~~Solid Waste Division, Office of Solid and Hazardous Waste,~~ Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§503. Notification

A. Notification

1. Except as provided for in Subsection A.2 of this Section, persons who generate industrial solid waste and or persons who transport, process, or dispose of solid waste shall, within 30 days after they become subject to these regulations, notify the administrative authority in writing of such activity. A form to be used for notification shall be obtained from the administrative authority.

2. Persons who generate industrial solid waste and persons who transport, process, or dispose of solid waste who have previously notified the ~~Solid Waste Division~~ department of such activity are not required to renotify, unless changes are warranted.

3. Owners or operators of pickup stations are required to notify the ~~Solid Waste Division~~ department of such activities within 30 days after they become subject to these regulations. Existing facilities which have previously notified are not required to renotify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

~~§505. Classification of Existing Facilities Which Have Not Been Previously Classified or Which Are Not Presently Operating under a Standard Permit~~

A. Classification

1. Existing facilities which have ~~not~~ neither been previously classified but have become subject to the Solid Waste Rules and Regulations because of rule changes ~~nor issued a~~

standard permit shall be classified by the administrative authority to the classification categories of "closure" or "upgrade."

2. Within 120 days after the review and acknowledgment of the notification by the administrative authority, a representative of the ~~Solid Waste Division~~ department will perform an on-site investigation of the facility to determine its classification. At the time of the classification inspection, the processor and/or disposer shall provide the representative with a map clearly depicting the location and size of each facility (and units thereof) to be classified and a schematic of the waste entering each unit of a facility to be classified

3. Within 30 days after the classification inspection, any person who processes or disposes of solid waste shall file with the administrative authority a notice of his intent to upgrade or close a facility.

B. Existing facilities which have not previously been classified or which are not operating under a standard permit shall be classified for upgrade or closure as required in LAC 33:VII.313.B by the following criteria and procedure:

1. Classification criteria are based on compliance with standards detailed in LAC 33:VII.Chapter 7, with emphasis on the following:

- a. potential for pollution of surface water;
- b. potential for pollution of groundwater;
- c. potential for pollution of air;
- d. potential for pollution of soil;
- ~~d~~e. location in flood plains or in wetlands;
- ~~e~~f. potential for danger to health due to disease vectors, use of waste-filled lands for food crops, and similar health-related practices;
- ~~f~~g. safety considerations, including danger from explosive gases, from fires, and from birds attracted to the site that might obstruct the glide path of aircraft; and
- ~~g~~h. threat to endangered species.

2. The classification procedure comprises identifying, evaluating, and preliminary classification of facilities.

- a. An ongoing effort will be made to identify all solid waste facilities.
- b. The facilities will be evaluated on the basis of the criteria listed in LAC 33:VII.505.B.1 of these regulations and based on the needs and plans of the facility.

C. Issuance of Temporary Permits

1. The administrative authority may issue a temporary permit for upgrading to persons who process or dispose of solid waste or collect waste tires. The temporary permit shall

require the submission of a permit application. The temporary permit will allow the facility to continue operations in accordance with an approved interim operational plan pending the standard permit application process.

2. The administrative authority may issue a temporary permit for closure to persons who process or dispose of solid waste or collect waste tires. The temporary permit shall require the submission of a closure plan permit application and implementation schedule. The temporary permit may allow the facility to continue operations in accordance with an approved interim operational plan pending the closure process.

3. Temporary permits are subject to annual permit maintenance fees as provided in LAC 33:VII.529.

4. Temporary permits for upgrade shall not be issued to existing facilities which have previously been subject to classification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§507. Categorization of Facilities

All existing and proposed facilities will be categorized as one of the following:

- A. Type I. Industrial disposal facilities (landfills, surface impoundments, or landfarms).
- B. Type I-A. Industrial processing facilities (incinerator waste-handling facilities, compactors, balers, shredders, or transfer stations).
- C. Type II. Non-industrial disposal facilities (landfills, surface impoundments, or landfarms).
- D. Type II-A. Non-industrial processing facilities (incinerator waste-handling facilities, compactors, balers, shredders, transfer stations, or refuse-derived fuel facilities).
- E. Type III. Construction/demolition-debris and woodwaste landfills, separation facilities, composting facilities, or other minor processing or disposal facilities as determined by the administrative authority.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§509. Inspection Procedures

The following are the types of inspections made at solid waste processing or disposal facilities.

A. Classification Inspection. A classification inspection is required for all existing facilities not previously classified, which have become subject to a classification inspection because of a rule change, and Each facility's initial classification is based on this inspection. It is performed after the ~~Solid Waste Division~~ department receives notification of operations (LAC 33:VII.503.A.1).

B. Compliance Inspections. The ~~Solid Waste Division~~ department will inspect each facility and each facility's records periodically to determine the facility's compliance with the terms of standard or temporary permits and these regulations.

C. Initial Start-Up Inspection—Newly Permitted Facilities

1. For existing facilities, the initial start-up inspection shall be made after a standard permit has been issued, all upgrading measures are completed, new activities as a result of upgrade are implemented, and certification is submitted to the ~~Solid Waste Division~~ department by a registered engineer, licensed in the state of Louisiana, that the facility is constructed and has been upgraded in accordance with the permit.

2. For new facilities, the initial start-up inspection shall be made after a standard permit has been issued, construction measures have been completed, and certification is submitted to the ~~Solid Waste Division~~ department by a registered engineer, licensed in the state of Louisiana, that the facility is constructed in accordance with the permit. The facility may commence operation only upon approval of the construction of the facility by the administrative authority.

3. All start-up inspections shall be initiated within 10 working days of receipt of certification by the ~~Solid Waste Division~~ department unless a longer time period is set by mutual agreement.

4. Within 15 working days after a new or existing facility has undergone the initial start-up inspection, the administrative authority shall either issue an order authorizing commencement of operation or a written notice of deficiency to the permittee, unless a longer time period is set by mutual agreement.

D. Construction Inspections. At least 10 days prior to commencing construction of a liner, leak-detection system, leachate-collection system, or monitoring well at a ~~Type I or Type II solid waste~~ facility, the permit holder shall notify the ~~Solid Waste Division~~ department, in writing, of the date on which construction will begin, in order to allow a representative of the division the opportunity to witness the construction.

E. Unit Start-up Inspections—All Facilities

1. Start-Up inspections for new units of a standard permitted facility shall be conducted after completion of all construction measures and after submittal of certification to the ~~Solid Waste Division~~ department, by a registered engineer licensed in the state of Louisiana, that the unit is constructed in accordance with the permit.

2. All start-up inspections shall be initiated within 10 working days of receipt of certification by the ~~Solid Waste Division~~ department unless a longer time period is set by mutual agreement.

3. Within 10 working days after a new unit of a facility has undergone a unit start-up inspection, the administrative authority shall issue either an approval of the construction or a notice of deficiency. The unit may commence operation only upon approval of the construction of the unit by the administrative authority.

F. Modification Start-Up Inspections—All Facilities

1. Start-up inspections for modified construction of a standard permitted facility shall be conducted after construction measures of the modification are completed and certification is submitted to the ~~Solid Waste Division~~ department by a registered engineer licensed in the state of Louisiana, that the modified feature/unit has been constructed in accordance with the modification approved by the administrative authority and any conditions specified in such approval.

2. After a modified unit/feature of a facility has successfully undergone a start-up inspection and after the permit holder has been notified in writing of this, operation of the modified unit/feature may commence.

G. Closure Inspections. Closure inspections will be conducted within 30 days after the ~~Solid Waste Division~~ department has received written notice from the permit holder that closure requirements have been met in accordance with the approved closure plan and the permit holder has filed a request for a closure inspection. Closure inspections must be conducted before backfilling of a facility takes place. The administrative authority reserves the right to determine if a facility has been closed properly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

Subchapter B. Permit System for Facilities Classified for Upgrade or Closure

§511. Permit System

A. Scope

1. A permit must be secured by any person who processes and/or disposes of solid waste, with the exception of those wastes or processing and disposal facilities described in LAC 33:VII.301, 303, and 305. Facilities (existing and proposed) subject to the permitting requirements detailed in these regulations are categorized in accordance with the definitions in LAC 33:VII.115 as follows:

- a. Type I—a facility used for the disposal of industrial solid waste;
- b. Type I-A—a facility used for processing industrial solid waste;

- c. Type II—a facility used for the disposal of residential or commercial solid waste;
- d. Type II-A—a facility used for processing residential or commercial solid waste; and
- e. Type III:
 - i. a facility used for disposing of construction/demolition-debris, as defined in LAC 33:VII.115;
 - ii. a facility used for processing or disposing of woodwaste as defined in LAC 33:VII.115, and tree limbs, leaves, and stumps;
 - iii. a facility used to compost organic wastes to produce a usable material; and
 - iv. a separation facility as defined in LAC 33:VII.115;
 - v. a facility used to process waste tires;
 - vi. Other minor processing or disposal facilities facilities as determined by the administrative authority.

2. The following will not be required to secure permits:

a. Generators who are not processors or disposers of solid waste are not required to secure a permit. Generators of industrial solid waste must notify the ~~Solid Waste Division~~ department in accordance with LAC 33:VII.503.A.1. Generators of industrial solid waste are subject to the applicable standards provided in LAC 33:VII.701.

b. Transporters who are not processors or disposers of solid waste are not required to secure a permit, but must notify the ~~Solid Waste Division~~ department in accordance with LAC 33:VII.503.A.1. Transporters of solid waste are subject to the applicable standards provided in LAC 33:VII.705.

c. Storers who are not processors or disposers of solid waste, with the exception of tire collectors, are not required to secure a permit. Storers of solid waste are subject to the applicable standards provided in LAC 33:VII.703.

~~d. Pickup stations at which no solid waste is processed or disposed of are not required to secure a permit. Pickup stations are subject to the standards found in LAC 33:VII.703 and 707 and must notify the Solid Waste Division in accordance with LAC 33:VII.503.A.~~ Facilities which receive processed solid waste or sewage sludge for transloading, off-loading or disposal must notify local governing authorities at least thirty days prior to receipt of such waste.

B. Types of Permits

1. Temporary Permit

a. A temporary permit allows continued operation of an existing facility in accordance with an interim operational plan, but does not allow the expansion or modification of the facility without prior approval of the administrative authority. The administrative authority may issue a temporary permit in the following situations:

i. to allow operations to continue at an existing facility while a standard permit application is being processed;

ii. to allow operations to continue at an existing facility while a closure plan permit application is being processed or while a facility is being closed in accordance with a closure plan; or

~~iii. to allow an applicant for a permit for a proposed facility to begin construction and/or operation on a limited basis while an application for a proposed facility is being processed for good cause shown.~~

b. The types of temporary permits issued on or after February 20, 1993, will correspond to the facility categories defined in LAC 33:VII.507.A: Type I, Type I-A, Type II, Type II-A, and Type III.

c. Temporary permits which may have been issued in the form of administrative orders, compliance orders to upgrade, orders to upgrade, compliance orders to close, orders to close, and settlement agreements prior to February 20, 1993, may remain in effect for three years after the effective date of these regulations ~~until otherwise determined by the administrative authority~~. Notwithstanding this Subparagraph, any such temporary permit holder must comply with applicable upgrade requirements and deadlines in LAC 33:VII.315.G and H.

2. Standard Permit. Standard permits may be issued by the administrative authority to applicants for solid waste processing and/or disposal facilities that have successfully completed the standard permit application process. The types of standard permits issued on or after February 20, 1993, correspond to the facility categories defined in LAC 33:VII.507.A: Type I, Type I-A, Type II, Type II-A, and Type III.

C. Existing Facilities Not Previously Classified or Not Presently Operating Under a Standard Permit

1. Only those existing facilities that the administrative authority classifies for upgrading may apply for a standard permit. The person(s) notifying the ~~Solid Waste Division~~ department will be issued a temporary permit and may continue operations in accordance with the interim operational plan, pending a decision on the standard permit application.

2. Facilities classified for closure will be issued a temporary permit. That permit may allow operations to continue in accordance with the interim operational plan until closure activities are accomplished and may require that closure and/or post-closure activities be conducted in accordance with the approved closure plan.

D. Duration of Permit

1. Temporary permits are issued for a period not to exceed three years.
2. Standard permits are issued for a period not to exceed 10 years.

a. Processing and/or disposal facilities with an effective standard permit shall submit a new permit application at least 455 days before the expiration date of the standard permit, unless permission for later filing is granted by the administrative authority. If the reapplication is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the reapplication on or before the expiration date of the standard permit, the standard permit shall remain in effect until the administrative authority issues a final decision.

b. Permits for processing and/or disposal facilities which have been issued with an expiration date greater than 10 years after the effective date of the permit shall expire 10 years after the date the permit was effective or on August 1, 1996, whichever is later. These facilities shall be subject to the provisions in Subsection D.2.a of this Section.

3. Temporary permits issued prior to the effective date of these regulations shall expire in three years.

4 Permits issued for tire collectors, processors, or disposers shall be valid for five years from the date of issuance.

E. Property Rights. Permits issued by the administrative authority do not convey any property rights of any sort or any exclusive privilege.

F. Public Hearings

1. The department shall hold a public hearing for all waste tire facilities within 60 days of submission of an application for a standard permit.

a. The applicant shall cause the notice of the hearing to be published in the official journal of the parish or municipality on two separate days preceding the hearing. The last day of publication of such notice shall be at least 10 days prior to the hearing. The applicant shall provide the Solid Waste Division with proof of publication.

b. The applicant shall post a notice, in prominent view to the public, of the hearing, in the courthouse, government center, and the nearest parish library of the parish in which the facility is located for the two weeks immediately preceding the hearing.

c. A public comment period of at least 30 days shall be allowed following the public hearing.

24. Public hearings will be held concerning standard permits for facilities when the administrative authority determines that there is sufficient public interest.

3 2. Public hearings will be held concerning major modifications of standard permits when the administrative authority determines that there is sufficient public interest.

3. ~~Public hearings will not be held concerning mandatory modifications, which are considered an enhancement of a standard permitted facility.~~

4. Public hearings shall be conducted in accordance with the rules of procedure of the administrative authority for fact-finding hearings or other hearing procedures developed by the administrative authority and the Administrative Procedure Act (R.S. 49:950 et seq.).

G. Other Requirements.

1. The applicant may be required to obtain additional permits from other local state and federal agencies. A listing of typical permits that may be included but not limited to is needed are as follows:

- a. ~~NPDES (Section 402 of the Clean Water Act)~~ LPDES Permit;
- b. ~~Louisiana Water Discharge Permit~~; e. ~~U.S. Army Corps of Engineers~~ Louisiana Coastal Use Permit (issued by the Department of Natural Resources, Coastal Management Division);
- c. Clean Air Act Permit;
- d. ~~Louisiana Air Emissions Permit~~; e. ~~U.S. Army Corps of Engineers~~ Permit (Dredge and Fill, Section 404 of the Clean Water Act); ~~or~~ and
- f. appropriate local permits, licenses, certification, registration, or approval.

2. It is the responsibility of the applicant to identify the other applicable permits that may be required. A listing of the permits that the applicant intends to apply for shall be included in the solid waste permit application.

3. The applicant shall provide appropriate documentation to the Solid Waste Division that the proposed use does not violate zoning or other land-use regulations that exist at the time of the submittal of the standard permit application.

H. Suspension or Revocation of Permit. The administrative authority may review a permit at any time. After review of a permit, the administrative authority may, for cause, suspend or revoke a permit in whole or in part in accordance with the procedures outlined in LAC 33:VII. Chapter 9 of these regulations.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities

A. Applicant Public Notice

1. No ~~sooner~~ more than 45 days prior to the submittal of a standard permit application to the ~~Solid Waste Division~~ department, the prospective applicant shall publish a notice of intent to submit an application for a standard permit. This notice shall be published one time as a

single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of ~~this state~~ the parish in which the facility is located and one time as a legal notice in the official journal of the ~~state~~ parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

2. The public notices shall be published in accordance with the forms provided in Appendix A.

3. Proof of publication of the notices shall be included in all applications ~~for existing and proposed facilities~~ submitted to the administrative authority.

B. ~~Permit Application Requirements~~

1. ~~Any person who generates, transports or stores solid waste is not issued a permit but is under the jurisdiction of the Solid Waste Division and must comply with the applicable provisions of these regulations.~~

~~2.~~ Submittal of Permit Applications

1a. Any applicant for a standard permit for existing or proposed processing and disposal facilities shall complete Part I, Part II, and Part III of the standard permit application, following the instructions for the appropriate facility class in ~~LAC 33:VII.519, 521, and 523~~ Chapters 7, 9, 11, 13, 15, and submit four hard copies and one electronic copy to the ~~Solid Waste Division~~ department. Each individual hard copy of the application shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs. The administrative authority may approve a different number of hard and electronic copies to be submitted on an individual basis.

2b. Each application for which a standard permit application fee is prescribed shall be accompanied by a remittance in the full amount of the appropriate standard permit application review fee. No application shall be accepted or processed prior to payment of the full amount specified.

3e. The completed separate standard permit application for each existing facility shall be submitted to the ~~Solid Waste Division~~ department within 180 days after issuance of the temporary permit.

C. Notices to Parish Governing Authorities

As provided in R.S. 30:2022, upon receipt of a permit application the ~~Solid Waste Division~~ department shall provide written notice on the subject matter to the parish governing authority, who shall promptly notify each parish municipality affected by the application.

D. Permit Application Review and Evaluation

1. LAC 33:VII.Chapters ~~5 and 6~~, 7, 8,9, 10, 11,12, 13,14, 15, establish the evaluation criteria used by the administrative authority.

2. The applicant shall make available to the ~~Solid Waste Division~~ department the assistance of professional engineers or other trained individuals responsible for the design of the facility to explain the design and operation.

3. The applicant shall furnish all other technical information the ~~office~~ department may require to evaluate the standard permit application, monitor the performance of the facility, and insure that the purposes of this program are met.

E. Standard Permit Applications Deemed Unacceptable or Deficient

1. Applications deemed unacceptable for technical review will be rejected. For the administrative authority to reconsider the application, the applicant must resubmit the entire standard permit application, including the review fee, ~~by a reasonable due date set by the administrative authority.~~

2. Applicants submitting applications which are acceptable for technical review but lack the information outlined in these regulations will be informed of such deficiencies. These deficiencies must be corrected by the submission of supplementary information by a reasonable due date set by the administrative authority.

F. Standard Permit Applications Deemed Technically Complete

1. Applications that have been deemed technically complete will be accepted for public review. When the permit is accepted for public review, the administrative authority will request an additional five hard copies and one electronic copy, with all approved technical amendments incorporated, or more if necessary. The copies will be distributed for public review as follows:

- a. one copy to the local parish governing authority;
- b. one copy to the parish public library;
- c. one copy to the ~~Solid Waste Division~~ Regional Office; and
- d. two copies and electronic copy to remain in the office.

2. Each hard copy of the permit application shall be provided as a standard three-ring-bound document (8 1/2 by 11 inches). The application shall incorporate, in the appropriate sections, all required plans, narratives, and revisions made during the review process and shall include appropriate tabbing for all appendices, figures, etc. Permit applications that present revisions made during the review process as a separate supplement to the application will not be accepted.

3. After the five hard copies and one electronic copy are submitted to the ~~Solid Waste Division~~ department, notices will be placed in the office bulletin (if one is available), the official journal of the state, and in the official journal of the parish where the facility is located. The

~~Solid Waste Division~~ department shall publish a notice of acceptance for review one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the ~~state~~ parish in which the facility is located and one time as a classified advertisement in the legal or public notices section of the official journal of the ~~state~~ parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. The notices will solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper will be reviewed by the ~~Solid Waste Division~~ department. The notice shall be published in accordance with the sample public notice provided by the ~~Solid Waste Division~~ department. The applicant is responsible for providing the ~~Solid Waste Division~~ department with proof of publication.

4. Public hearings will be held for all facilities when the administrative authority determines, on the basis of comments received and other information, that a hearing is necessary.

5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice (LAC 33:VII.513.F.3), request that the administrative authority consider whether a public hearing is necessary. If the administrative authority determines that the requests warrant it, a public hearing will be scheduled. If the administrative authority determines that the requests do not raise genuine and pertinent issues, the ~~Solid Waste Division~~ department will send the person requesting the hearing written notification of the determination. The request for a hearing must be in writing and must contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, notices will be published at least 20 days before a fact-finding hearing in the official journal of the state and in the official journal of the parish where the facility is located. The ~~department notice~~ shall be published a Notice of Public Hearing one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. ~~Those persons on the Solid Waste Division's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing.~~ A notice shall also be published in the departmental bulletin, if available.

7. Receipt of Comments Following a Public Hearing. Comments received by the ~~Solid Waste Division~~ department until the close of business 30 days after the date of a public hearing will be reviewed by the ~~Solid Waste Division~~ department.

G. Issuance or Denial of a Permit

1. The administrative authority will issue a standard permit or will issue a standard permit application denial, including reasons for the denial.

2. A temporary permit may be issued to allow closure activities to be accomplished at a facility which has been issued a standard permit application denial.

H. Public Notice of Permit Issuance. No later than 10 days following the issuance of a standard permit, the permit holder shall publish a notice of the issuance of the standard permit. This notice shall be published in the official journal of the state and in the official journal of the parish where the facility is located. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the parish in which the facility is located ~~state~~, and one time as a classified advertisement in the legal or public notices section of the official journal of the ~~state~~ parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§515. Permit Process for Existing Facilities Classified for Closure

A. Closure Plan Review and Evaluation. LAC 33:VII.505 and LAC 33:VII.Chapters 7, 9, 11, 13, 15, establish the evaluation criteria used by the ~~Solid Waste Division~~ department for each type of facility.

B. Submittal of Closure Plans

1. Permit holders for facilities classified for closure shall submit to the ~~Solid Waste Division~~ department four bound hard copies and one electronic copy of a closure plan within 60 days after issuance of the temporary permit for the facility. Each individual hard copy of the plan shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

2. The following sections of the regulations must be addressed and incorporated in the closure plan for all solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation. All applicable sections of LAC 33:VII.Chapters 7, 9, 11, 13, 15, must be addressed and incorporated into the closure plan.

- a. ~~LAC 33:VII.519~~, Permit Application Form, Part I;
- b. a map clearly delineating the location of the facility;
- c. ~~LAC 33:VII.521.A.2.a and b~~, Wells and Faults, respectively (only required for Type I and II facilities with on-site closure);
- d. ~~LAC 33:VII.521.B.1.a~~, Facility Characteristics;

- e. ~~LAC 33:VII.521.C.1.d~~, Facility Surface Hydrology;
- f. ~~LAC 33:VII.521.D.1.a-e~~, Facility Geology (only required for Type I and II facilities with on-site closure);
- g. ~~LAC 33:VII.521.E.1~~, Facility Subsurface Hydrology (only required for Type I and II facilities with on-site closure);
- h. typical cross-section and geologic cross-sections showing the water table and the groundwater conditions (only required for Type I and II facilities with on-site closure);
- i. ~~LAC 33:VII.521.F.5.a-f~~, Facility Plans and Specifications (only required for Type I and II facilities with on-site closure);
- j. ~~LAC 33:VII.521.F.6~~, Facility Plans and Specifications (only required for Type I and II facilities with on-site closure and with a potential to produce gases);
- k. types (including chemical and physical characteristics) and sources of waste processed or disposed of at the facility;
- l. ~~LAC 33:VII.521.J.1.b and c~~, Facility Closure;
- m. ~~LAC 33:VII.521.J.2~~, Facility Closure (only required for Type I and II facilities and Type III woodwaste and construction/demolition-debris landfills);
- n. ~~LAC 33:VII.521.K.1~~, Facility Post Closure;
- o. ~~LAC 33:VII.521.K.2~~, Facility Post Closure (only required for Type I and II facilities);
- p. the name of the person who currently owns the land;
- q. ~~LAC 33:VII.521.L.4~~, Financial Responsibility; and
- r. a detailed implementation schedule for closure of the facility with built-in flexibility to coincide with the date of approval of the closure plan.

3. Each closure plan for which a closure fee is prescribed shall be accompanied by a remittance in the full amount of the closure plans review fee. No closure plans shall be accepted or processed prior to payment of the full amount specified.

C. Closure Plans Determined Unacceptable or Deficient

1. Closure plans that are determined unacceptable for a technical review will be rejected. The permit holder will be required to resubmit the entire application, including the review fee, by a date set by the administrative authority.

2. Permit holders submitting closure plans that lack the information contained in LAC 33:VII.515.B.2 and the applicable sections ~~standards~~ of ~~LAC 33:VII.Chapter~~ Chapters 7, 9, 11, 13, 15 will be informed of such in a closure plan deficiency letter; these must be corrected by

submission of supplementary information within 30 days after receipt of the closure plan deficiency letter.

D. Closure Plans Deemed Technically Complete. Closure plans that have been deemed technically complete will be approved. Within 30 days after receipt of closure plan approval, the permit holder shall submit to the ~~Solid Waste Division~~ department three hard copies and one electronic copy of the closure plan which incorporate all revisions made during the closure plan review process. Additional copies will be required if deemed necessary by the administrative authority. Each hard copy shall be provided as a standard three-ring-bound document measuring 8 1/2 by 11 inches, and shall include appropriate tabbing for all appendices, figures, etc. Closure plans must incorporate revisions made during the review process. Closure plans that present revisions made during the review process as a separate supplement to the closure plan shall not be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§517. Permit Modifications

A. Modification of Permits and Other Authorizations to Operate

1. Modification Requests

a. The permit holder shall notify the administrative authority in advance of any change in a facility or deviation from a permit. Such notification shall detail the proposed modification and shall include an assessment of the effects of the modification on the environment and/or the operation. Modification details shall include, but not be limited to, a summary detailing the modification request and all appropriate drawings, narratives, etc., which shall illustrate and describe the originally permitted representations and the proposed modifications thereto. New language requested in the permit narrative and existing language requested to be deleted from the permit narrative shall be identified therein.

i. Initially, four hard copies and one electronic copy of all modification requests shall be provided to the ~~Solid Waste Division~~ department. Each individual hard copy of the document shall be 8 1/2" by 11" and shall be bound in standard three-ring binder(s).

ii. Each permit-modification request for which a permit-modification review fee is prescribed shall be accompanied by remittance of the fee. No permit modification requests shall be accepted or processed prior to payment in full of the amount specified.

b. All notifications of proposed changes in ownership of a permit for a facility are the responsibility of the permittee and shall include the following, to be submitted to the administrative authority:

i. a statement from the proposed permit holder assuming liability for existing violations and conditions; and

ii. proof of financial responsibility by the proposed permit holder, as required by LAC 33:VII.727.A.1 and 2.

2. Public Notice of Modifications

a. If not otherwise specified, the administrative authority shall determine whether or not a modification warrants public notice. Modifications to a permit which require public notice include, but are not limited to, the following:

- i. change in the type(s) of waste to be received at a facility;
- ii. increase in the volume or rate of waste to be received at a facility;
- iii. physical expansion of the service area;
- iv. change in the capacity of a facility;
- v. decrease in the personnel or equipment of a facility;
- vi. changes in the hours or days of operation;
- ~~vii. change in the type of cover material to be utilized at a facility;~~
- viii. change to the facility that may have an impact on traffic patterns;
- ~~ix. reduction in the number of groundwater sampling parameters or the number of groundwater monitoring wells;~~
- ix. lateral or vertical expansion of the permitted area(s) for waste disposal; or
- xi. other changes in the permit that tend to make the permit requirements less stringent.

b. Permit modifications which require public notice and that have been determined by the ~~Solid Waste Division~~ department to be technically complete will be accepted for public review. When the permit modification is accepted for public review, the permit holder must forward copies of the permit modification as follows:

- i. two hard copies and one electronic copy to the ~~Solid Waste Division~~ department's main office in Baton Rouge;
- ii. one copy to the appropriate ~~Solid Waste Division~~ regional office;
- iii. one copy to the parish public library; and
- iv. one copy to the parish governing authority.

c. The permit holder shall provide the ~~Solid Waste Division~~ department with evidence that copies of the permit modification have been forwarded to the local parish governing authority and the parish public library.

d. After distribution of the permit modification, the permit holder is responsible for placing a notice in the official journal of the state and in the official journal of the parish where the facility is located. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the ~~state~~ parish where the facility is located, and one time as a classified advertisement in the legal or public notices section of the official journal of the ~~parish where the facility is located~~ state. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. The notice will solicit comments from interested individuals and groups. Comments delivered or received within 30 days after the date the notices are published will be reviewed by the ~~Solid Waste Division~~ department. The notice shall be published in accordance with a sample public notice provided by the ~~Solid Waste Division~~ department. The permit holder is responsible for providing the ~~Solid Waste Division~~ department with proof of publication of the notice.

~~e. Mandatory modifications are considered to be enhancements and will require neither public notice nor public hearing.~~

3. No modification may be effected without the written approval of the administrative authority.

4. Operation of a modified construction feature or unit of a standard permitted facility may commence after the provisions of LAC 33:VII.509.F are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

~~Subchapter C. Permit Application~~

~~§519. Part I: Permit Application Form~~

~~The applicant shall complete a standard permit application Part I Form (Appendix B). The following subsections refer to the items on the form requiring that information:~~

~~A. name of applicant (prospective permit holder) applying for a standard permit;~~

~~B. facility name;~~

~~C. description of the location of the facility (identify by street and number or by intersection of roads, or by mileage and direction from an intersection);~~

~~D. — geographic location (section, township, range, and parish where the facility is located, and the coordinates [as defined by the longitude and latitude to the second] of the centerpoint of the facility);~~

~~E. — mailing address of the applicant;~~

~~F. — contact person for the applicant (position or title of the contact person is acceptable);~~

~~G. — telephone number of the contact person;~~

~~H. — type and purpose of operation (check each applicable box);~~

~~I. — status of the facility (if leased, state the number of years of the lease and provide a copy of the lease agreement);~~

~~J. — operational status of the facility;~~

~~K. — total site acreage and the amount of acreage that will be used for processing and/or disposal;~~

~~L. — list of all environmental permits that relate directly to the facility represented in this application;~~

~~M. — a letter attached from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the operation conforms with the applicable statewide plan. (Note: In accordance with R.S. 30:2307.B, this regulation does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry, or business which generates such solid waste);~~

~~N. — zoning of the facility (if the facility is zoned, note the zone classification and zoning authority, and include a zoning affidavit or other documentation stating that the proposed use does not violate existing land use requirements);~~

~~O. — types, maximum quantities (wet tons/week), and sources (percentage of the on-site or off-site generated waste to be received) of waste to be processed or disposed of by the facility;~~

~~P. — indicate the specific geographic area(s) to be serviced by the solid waste facility;~~

~~Q. — attach proof of publication of the notice regarding the submittal of the permit application as required in LAC 33:VII.513.A;~~

~~R. — provide the signature, typed name, and title of the individual authorized to sign the application. Proof of the legal authority of the signatory to sign for the applicant must be provided; and~~

~~S. any additional information required by the administrative authority.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. — 30:2001 et seq.~~

~~HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).~~

~~§521. Part II: Supplementary Information, All Processing and Disposal Facilities~~

~~The following information is required in the permit application for solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation. Additionally, all applicable sections of LAC 33:VII.Chapter 7 must be addressed and incorporated into the application responses. If a section does not apply, the applicant must state that it does not apply and explain why.~~

~~A.——Location Characteristics.——Standards pertaining to location characteristics are contained in LAC 33:VII.709.A (Type I and II facilities), LAC 33:VII.717.A (Type I-A and II-A facilities, and LAC 33.719.A (Type III facilities).~~

~~1.——The following information on location characteristics is required for all facilities:~~

~~a.——Area Master Plans.——A location map showing the facility, road network, major drainage systems, drainage-flow patterns, location of closest population center(s), location of the public use airport(s) used by turbojet aircraft or piston-type aircraft, proof of notification of affected airport and Federal Aviation Administration as provided in LAC 33:VII.709.A.2, location of the 100-year flood plain, and other pertinent information. The scale of the maps and drawings must be legible, and engineering drawings are required.~~

~~b.——A letter from the appropriate agency or agencies regarding those facilities receiving waste generated off site, stating that the facility will not have a significant adverse impact on the traffic flow of area roadways and that the construction, maintenance, or proposed upgrading of such roads is adequate to withstand the weight of the vehicles.~~

~~c.——Existing Land Use.——A description of the total existing land use within three miles of the facility (by approximate percentage) including, but not limited to:~~

- ~~i.——residential;~~
- ~~ii.——health care facilities and schools;~~
- ~~iii.——agricultural;~~
- ~~iv.——industrial and manufacturing;~~
- ~~v.——other commercial;~~
- ~~vi.——recreational; and~~
- ~~vii.——undeveloped.~~

~~d.——Aerial Photograph.——A current aerial photograph, representative of the current land use, of a one-mile radius surrounding the facility. The aerial photograph shall be of sufficient scale to depict all pertinent features. (The administrative authority may waive the requirement for an aerial photograph for Type III facilities.)~~

~~e. Environmental Characteristics. The following information on environmental characteristics:~~

~~i. a list of all known historic sites, recreation areas, archaeologic sites, designated wildlife management areas, swamps and marshes, wetlands, habitats for endangered species, and other sensitive ecologic areas within 1,000 feet of the facility perimeter or as otherwise appropriate;~~

~~ii. documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeologic sites, designated wildlife management areas, wetlands, habitats for endangered species, and other sensitive ecologic areas within 1,000 feet of the facility; and~~

~~iii. a description of the measures planned to protect the areas listed from the adverse impact of operation at the facility;~~

~~f. A wetlands demonstration, if applicable, as provided in LAC 33:VII.709.A.4.~~

~~g. Demographic Information. The estimated population density within a three-mile radius of the facility boundary, based on the latest census figures.~~

~~2. The following information regarding wells, faults and utilities is required for Type I and II facilities:~~

~~a. Wells. Map showing the locations of all known or recorded shot holes and seismic lines, private water wells, oil and/or gas wells, operating or abandoned, within the facility and within 2,000 feet of the facility perimeter and the locations of all public water systems, industrial water wells, and irrigation wells within one mile of the facility. A plan shall be provided to prevent adverse effects on the environment from the wells and shot holes located on the facility.~~

~~b. Faults~~

~~i. scaled map showing the locations of all recorded faults within the facility and within one mile of the perimeter of the facility; and~~

~~ii. demonstration, if applicable, of alternative fault set-back distance as provided in LAC 33:VII.709.A.5.~~

~~c. Utilities. Scale map showing the location of all pipelines, power lines, and right-of-ways within the site.~~

~~B. Facility Characteristics. Standards concerning facility characteristics are contained in LAC 33:VII.709.B (Type I and II facilities), LAC 33:VII.717.B (Type I-A and II-A facilities), and LAC 33:VII.719.B (Type III facilities). A facility plan, including drawings and a narrative, describing the information required below must be provided.~~

~~1. The following information is required for all facilities:~~

a. ~~elements of the process or disposal system employed, including, as applicable, property lines, original contours (shown at not greater than five foot intervals), buildings, units of the facility, drainage, ditches and roads;~~

b. ~~the perimeter barrier and other control measures;~~

c. ~~a buffer zone;~~

d. ~~fire protection measures;~~

e. ~~landscaping and other beautification efforts;~~

f. ~~devices or methods to determine, record, and monitor incoming waste;~~

g. ~~NPDES discharge points (existing and proposed); and~~

h. ~~other features, as appropriate.~~

2. ~~The following information is required for Type I and II facilities:~~

a. ~~areas for isolating nonputrescible waste or incinerator ash, and borrow areas; and~~

b. ~~location of leachate collection/treatment/removal system.~~

C. ~~Facility Surface Hydrology. Standards governing facility surface hydrology are contained in LAC 33:VII.711.A (Type I and II landfills), LAC 33:VII.713.A (Type I and II surface impoundments), LAC 33:VII.715.A (Type I and II landfarms), LAC 33:VII.717.C. (Type I-A and II-A facilities), and LAC 33:VII.719.C (Type III facilities).~~

1. ~~The following information regarding surface hydrology is required for all facilities:~~

a. ~~a description of the method to be used to prevent surface drainage through the operating areas of the facility;~~

b. ~~a description of the facility runoff/run-on collection system;~~

c. ~~the maximum rainfall from a 24-hour/25-year storm event;~~

d. ~~the location of aquifer recharge areas in the site or within 1,000 feet of the site perimeter, along with a description of the measures planned to protect those areas from the adverse impact of operations at the facility; and~~

e. ~~if the facility is located in a flood plain, a plan to ensure that the facility does not restrict the flow of the 100-year base flood or significantly reduce the temporary water storage capacity of the flood plain, and documentation indicating that the design of the facility is such that the flooding does not affect the integrity of the facility or result in the washout of solid waste.~~

~~D. Facility Geology. Standards governing facility geology are contained in LAC 33:VII.709.C (Type I and II facilities), LAC 33:VII.717.D (Type I-A and II-A facilities), and LAC 33:VII.719.D (Type III facilities).~~

~~1. The following information regarding geology is required for Type I and Type II facilities:~~

~~a. isometric profile and cross sections of soils, by type, thickness, and permeability;~~

~~b. logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings;~~

~~c. results of tests for classifying soils (moisture contents, Atterberg limits, gradation, etc.), measuring soil strength, and determining the coefficients of permeability, and other applicable geotechnical tests;~~

~~d. geologic cross-section from available published information depicting the stratigraphy to a depth of at least 200 feet below the ground surface;~~

~~e. for faults mapped as existing through the facility, verification of their presence by geophysical mapping or stratigraphic correlation of boring logs. If the plane of the fault is verified within the facility's boundaries, a discussion of measures that will be taken to mitigate adverse effects on the facility and the environment;~~

~~f. for a facility located in a seismic impact zone, a report with calculations demonstrating that the facility will be designed and operated so that it can withstand the stresses caused by the maximum ground motion, as provided in LAC 33:VII.709.C.2; and~~

~~g. for a facility located in an unstable area, a demonstration of facility design as provided in LAC 33:VII.709.C.3.~~

~~2. The following information regarding geology is required by Type III woodwaste, and construction/demolition debris facilities:~~

~~a. general description of the soils provided by a qualified professional (a geotechnical engineer, soil scientist, or geologist) along with a description of the method used to determine soil characteristics; and~~

~~b. logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings.~~

~~E. Facility Subsurface Hydrology. Standards governing facility subsurface hydrology are contained in LAC 33:VII.715.A (Type I and II landfills).~~

~~1. The following information on subsurface hydrology is required for all Type I facilities and Type II landfills and surface impoundments:~~

a. ~~—delineation of the following information for the water table and all permeable zones from the ground surface to a depth of at least 30 feet below the base of excavation:~~

- ~~i. —areal extent beneath the facility;~~
- ~~ii. —thickness and depth of the permeable zones and fluctuations;~~
- ~~iii. —direction(s) and rate(s) of groundwater flow based on information obtained from piezometers and shown on potentiometric maps; and~~
- ~~iv. —any change in groundwater flow direction anticipated to result from any facility activities.~~

b. ~~—delineation of the following, from all available information, for all recognized aquifers which have their upper surfaces within 200 feet of the ground surface:~~

- ~~i. —areal extent;~~
- ~~ii. —thickness and depth to the upper surface;~~
- ~~iii. —any interconnection of aquifers; and~~
- ~~iv. —direction(s) and rate(s) of groundwater flow shown on potentiometric maps.~~

2. ~~—The following information on subsurface hydrology is required for Type II landfills. Delineation of the following information for the water table and all permeable zones from the ground surface to a depth of at least 30 feet below the zone of incorporation:~~

- ~~a. —areal extent beneath the facility;~~
- ~~b. —thickness and depth of the permeable zones and fluctuations;~~
- ~~c. direction(s) and rate(s) of groundwater flow based on information obtained from piezometers and shown on potentiometric maps); and~~
- ~~d. —any change in groundwater flow direction anticipated to result from any facilities activities.~~

F. ~~—Facility Plans and Specifications. —Standards governing facility plans and specifications are contained in LAC 33:VII.711.B (Type I and II landfills), LAC 33:VII.713.B (Type I and II surface impoundments), LAC 33:VII.715.B (Type I and II landfills), LAC 33:717.E (Type I-A and II-A facilities), LAC 33:VII.721.A (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.A (Type III composting facilities), and LAC 33:VII.725.A (Type III separation facilities). Standards for groundwater monitoring are contained in LAC 33:VII.709.E (Type I and II facilities).~~

1. ~~—Certification —The person who prepared the permit application must provide the following certification:~~

"I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit application and that the facility as described in this permit application meets the requirements of the Solid Waste Rules and Regulations. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

2. ~~The following information on plans and specifications is required for Type I and II facilities:~~

a. ~~detailed plan view drawing(s) showing original contours, proposed elevations of the base of units prior to installation of the liner system, and boring locations;~~

b. ~~detailed drawings of slopes, levees, and other pertinent features; and~~

c. ~~the type of material and its source for levee construction. Calculations shall be submitted demonstrating that an adequate volume of material is available for the required levee construction.~~

3. ~~The following information on plans and specifications is required for Type I, II, and III landfills:~~

a. ~~approximate dimensions of daily fill and cover; and~~

b. ~~the type of cover material and its source for daily, interim, and final cover. Calculations shall be submitted demonstrating that an adequate volume of material is available for daily, interim, and final cover.~~

4. ~~The following information on plans and specifications for the prevention of groundwater contamination must be submitted for Type I and II facilities:~~

a. ~~representative cross sections and geologic cross sections showing original and final grades, approximate dimensions of daily fill and cover, drainage, the water table, groundwater conditions, the location and type of liner, and other pertinent information;~~

b. ~~a description of the liner system, which shall include: calculations of anticipated leachate volumes, rationale for particular designs of such systems, and drawings; and~~

c. ~~a description of the leachate collection and removal system, which shall include calculations of anticipated leachate volumes, rationale for particular designs of such systems, and drawings.~~

5. ~~The following information on plans and specifications for groundwater monitoring must be provided for Type I and II facilities:~~

a. ~~a minimum of three piezometers or monitoring wells in the same zone must be provided in order to determine groundwater flow direction;~~

b. ~~for groundwater monitoring wells, cross sections illustrating construction of wells, a scaled map indicating well locations and the relevant point of compliance,~~

~~and pertinent data on each well, presented in tabular form, including drilled depth, the depth to which the well is cased, screen interval, slot size, elevations of the top and bottom of the screen, casing size, type of grout, ground surface elevation, etc.;~~

~~e. — a groundwater monitoring program including a sampling and analysis plan that includes consistent sampling and analysis procedures that ensure that monitoring results provide reliable indications of groundwater quality;~~

~~d. — for an existing facility, all data on samples taken from monitoring wells in place at the time of the permit application must be included. (If this data exists in the Solid Waste Division records, the administrative authority may allow references to the data in the permit application.) For an existing facility with no wells, groundwater data shall be submitted within 90 days after the installation of monitoring wells. For a new facility, groundwater data (one sampling event) shall be submitted before waste is accepted;~~

~~e. — a plan for detecting, reporting, and verifying changes in groundwater;~~
and

~~f. — the method for plugging and abandonment of groundwater monitoring systems.~~

~~6. The facility plans and specifications for Type I and II landfills and surface impoundments (surface impoundments with on-site closure and a potential to produce gases) must provide a gas collection and treatment or removal system.~~

~~G. — Facility Administrative Procedures. Standards governing facility administrative procedures are contained in LAC 33:VII.711.C (Type I and II landfills), LAC 33:VII.713.C (Type I and II surface impoundments), LAC 33:VII.715.C (Type I and II landfarms), LAC 33:VII.717.F (Type I-A and II-A facilities), LAC 33:VII.721.B (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.B (Type III composting facilities), and LAC 33:VII.725.B (Type III separation facilities).~~

~~1. — The following information on administrative procedures is required for all facilities:~~

~~a. — recordkeeping system; types of records to be kept; and the use of records by management to control operations;~~

~~b. — an estimate of the minimum personnel, listed by general job classification, required to operate the facility; and~~

~~c. — maximum days of operation per week and per facility operating day (maximum hours of operation within a 24-hour period).~~

~~2. — Administrative procedures for Type II facilities shall include the number of facility operators certified by the Louisiana Solid Waste Operator Certification and Training Program (R.S. 37:3151 et seq.).~~

~~H. — Facility Operational Plans. — Standards governing facility operational plans are contained in LAC 33:VII.711.D (Type I and II landfills), LAC 33:VII.713.D (Type I and II surface impoundments), LAC 33:VII.715.D (Type I and II landfarms), LAC 33:VII.717.G (Type I-A and II-A facilities), LAC 33:VII.721.C (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.C (Type III composting facilities), and LAC 33:VII.725.C (Type III separation facilities).~~

~~1. — The following information on operational plans is required for all facilities:~~

~~a. — types of waste (including chemical, physical, and biological characteristics of industrial wastes generated on-site), maximum quantities of wastes per year, and sources of waste to be processed or disposed of at the facility;~~

~~b. — waste handling procedures from entry to final disposition, which could include shipment of recovered materials to a user;~~

~~c. — minimum equipment to be furnished at the facility;~~

~~d. — plan to segregate wastes, if applicable;~~

~~e. — procedures planned in case of breakdowns, inclement weather, and other abnormal conditions (including detailed plans for wet weather access and operations);~~

~~f. — procedures, equipment, and contingency plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for emergency care should an accident occur (including proximity to a hospital, fire and emergency services, and training programs); and~~

~~g. — provisions for controlling vectors, dust, litter, and odors.~~

~~2. — The following information on operational plans is required for Type I and II facilities:~~

~~a. — a comprehensive operational plan describing the total operation, including (but not limited to) inspection of incoming waste to ensure that only permitted wastes are accepted (Type II landfills must provide a plan for random inspection of incoming waste loads to ensure that hazardous wastes or regulated PCB wastes are not disposed of in the facility.); traffic control; support facilities; equipment operation; personnel involvement; and day-to-day activities. A quality assurance/quality control [QA/QC] plan shall be provided for facilities receiving industrial waste; domestic sewage sludge; incinerator ash; friable asbestos; nonhazardous petroleum-contaminated media; and debris generated from underground storage tanks [UST], corrective action, or other special wastes as determined by the administrative authority. The QA/QC plan shall include (but shall not be limited to) the necessary methodologies; analytical personnel; preacceptance and delivery restrictions; and appropriate responsibilities of the generator, transporter, processor, and disposer. The QA/QC plan shall ensure that only permitted, nonhazardous wastes are accepted;~~

~~b. — salvaging procedures and control, if applicable; and~~

e. ~~scavenging control.~~

3. ~~The following information on operational plans is required for Type I and II landfarms:~~

a. ~~items to be submitted regardless of land use:~~

i. ~~a detailed analysis of waste, including (but not limited to) pH, phosphorus, nitrogen, potassium, sodium, calcium, magnesium, sodium adsorption ratio, and total metals (as listed in LAC 33:VII.715.D.3.b);~~

ii. ~~soil classification, cation exchange capacity, organic matter, content in soil, soil pH, nitrogen, phosphorus, metals (as listed in LAC 33:VII.715.D.3.b), salts, sodium, calcium, magnesium, sodium adsorption ratio, and PCB concentrations of the treatment zone;~~

iii. ~~annual application rate (dry tons per acre) and weekly hydraulic loading (inches per acre); and~~

iv. ~~an evaluation of the potential for nitrogen to enter the groundwater.~~

b. ~~items to be submitted in order for landfarms to be used for food chain cropland:~~

i. ~~a description of the pathogen reduction method for septage, domestic sewage sludges, and other sludges subject to pathogen production;~~

ii. ~~crops to be grown and the dates for planting;~~

iii. ~~PCB concentrations in waste;~~

iv. ~~annual application rates of cadmium and PCBs; and~~

v. ~~cumulative applications of cadmium and PCBs.~~

c. ~~items to be submitted for landfarms to be used for nonfood chain purposes:~~

i. ~~description of the pathogen reduction method in septage, domestic sewage sludges, and other sludges subject to pathogen production; and~~

ii. ~~description of control of public and livestock access.~~

4. ~~The following information on operational plans is required for Type I-A and II-A incinerator waste handling facilities and refuse derived energy facilities:~~

a. ~~a description of the method used to handle process waters and other water discharges which are subject to NPDES permit and state water discharge permit requirements and regulations; and~~

b. ~~_____ a plan for the disposal and periodic testing of ash (all ash and residue must be disposed of in a permitted facility).~~

5. ~~_____ The following information on operational plans is required for Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities:~~

a. ~~_____ a description of the testing to be performed on the fuel or compost; and~~

b. ~~_____ a description of the uses for and the types of fuel/compost to be produced.~~

6. ~~The operational plans for Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities must include a description of marketing procedures and control.~~

7. ~~_____ The operational plans for Type I and II facilities receiving waste with a potential to produce gases must include a comprehensive air monitoring plan.~~

I. ~~_____ Implementation Plan. Standards governing implementation plans are contained in LAC 33:VII.709.D (Type I and II facilities), LAC 33:VII.717.H (Type I-A and II-A facilities), and LAC 33:VII.719.E (Type III facilities).~~

1. ~~_____ The implementation plans for all facilities must include the following:~~

a. ~~_____ a construction schedule for existing facilities which shall include beginning and ending time frames and time frames for the installation of all major features such as monitoring wells and liners. (Time frames must be specified in days, with day one being the date of standard permit issuance); and~~

b. ~~_____ details on phased implementation if any proposed facility is to be constructed in phases.~~

2. ~~_____ The implementation plans for Type I and II facilities must include a plan for closing and upgrading existing operating areas if the application is for expansion of a facility or construction of a replacement facility.~~

J. ~~_____ Facility Closure. Standards governing facility closure are contained in LAC 33:VII.711.E (Type I and II landfills), LAC 33:VII.713.E (Type I and II surface impoundments), LAC 33:VII.715.E (Type I and II landfarms), LAC 33:VII.717.I (Type I-A and II-A facilities), LAC 33:VII.721.D (construction and demolition debris and woodwaste landfills), LAC 33:VII.723.D (Type III composting facilities), and LAC 33:VII.725.D (Type III separation facilities)~~

1. ~~_____ The closure plan for all facilities must include the following:~~

a. ~~_____ the date of final closure;~~

b. ~~_____ the method to be used and steps necessary for closing the facility; and~~

~~c. — the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive.~~

~~2. — The closure plan for Type I and II landfills and surface impoundments must include:~~

~~a. — a description of the final cover and the methods and procedures used to install the cover;~~

~~b. — an estimate of the largest area of the facility ever requiring a final cover at any time during the active life;~~

~~c. — an estimate of the maximum inventory of solid waste ever on site over the active life of the facility; and~~

~~d. — a schedule for completing all activities necessary for closure.~~

~~3. — The closure plan for all Type I and II facilities and Type III woodwaste and construction/demolition debris facilities shall include the following:~~

~~a. — the sequence of final closure of each unit of the facility, as applicable;~~

~~b. — a drawing showing final contours of the facility; and~~

~~c. — a copy of the document that will be filed upon closure of the facility with the official parish recordkeeper indicating the location and use of the property for solid waste disposal, unless the closure plan specifies a clean closure.~~

~~K. — Facility Post-Closure. Standards governing post closure requirements are contained in LAC 33:VII.711.F (Type I and II landfills), LAC 33:VII.713.F (Type I and II surface impoundments), LAC 33:VII.715.F (Type I and II landfarms), and LAC 33:VII.721.E (Type III construction and demolition debris and woodwaste landfills).~~

~~1. — The post closure plan for all facilities must include the following:~~

~~a. — specification of the long term use of the facility after closure, as anticipated; and~~

~~b. — the cost of conducting post closure of the facility, based on the estimated cost of hiring a third party to conduct post closure activities in accordance with the closure plan.~~

~~2. — The post closure plan for Type I and II facilities must include the following:~~

~~a. — the method for conducting post closure activities, including a description of the monitoring and maintenance activities and the frequency at which they will be performed;~~

~~b. — the method for abandonment of monitoring systems, leachate collection systems, gas collection systems, etc.;~~

~~c. — measures planned to ensure public safety, including access control and gas control; and~~

~~d. — a description of the planned uses of the facility during the post-closure period.~~

~~L. Financial Responsibility. Standards governing financial responsibility are contained in LAC 33:VII.727. A section documenting financial responsibility according to LAC 33:VII.727 which contains the following information, must be included for all facilities:~~

~~1. — the name and address of the person who currently owns the land and the name and address of the person who will own the land if the standard permit is granted (if different from the permit holder, provide a copy of the lease or document which evidences the permit holder's authority to occupy the property); or~~

~~2. — the name of the agency or other public body that is requesting the standard permit; or, if the agency is a public corporation, its published annual report; or, if otherwise, the names of the principal owners, stockholders, general partners, or officers;~~

~~————— 3. — evidence of liability coverage, including:~~

~~a. — personal injury, employees, and the public (coverage, carriers, and any exclusions or limitations);~~

~~b. — property damage (coverage and carrier);~~

~~c. — environmental risks; and~~

~~4. — evidence of a financial assurance mechanism for closure and/or post-closure care and corrective action for known releases when needed.~~

~~M. — Special Requirements. — The administrative authority may require additional information for special processes or systems and for supplementary environmental analysis.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. — 30:2001 et seq.~~

~~HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993).~~

~~§523. Part III: Additional Supplementary Information~~

~~The following supplementary information is required for all solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation:~~

~~A. — a discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible;~~

~~B. — a cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental impact costs;~~

~~C. a discussion and description of possible alternative projects which would offer more protection to the environment without unduly curtailing nonenvironmental benefits;~~

~~D. a discussion of possible alternative sites that would offer more protection to the environment without unduly curtailing nonenvironmental benefits; and~~

~~E. — a discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing nonenvironmental benefits.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. — 30:2001 et seq.~~

~~HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Waste Services, Solid Waste Division, LR 23:1685 (December 1997).~~

Subchapter C ~~D~~. Solid Waste Fees

§52519. Standard Permit Application and Modification Review Fees

A. Applicants for Type I, I-A, II, and II-A standard permits shall pay a \$2,500 permit application review fee for each facility, and the fee shall accompany each permit application submitted.

B. Applicants for Type III standard permits or beneficial-use permits shall pay a permit application review fee of \$500 for each facility, and the fee shall accompany each permit application submitted.

C. Permit holders providing permit modifications for Type I, I-A, II, and II-A facilities shall pay a \$1,000 permit-modification review fee, and the fee shall accompany each modification submitted. ~~Permit holders providing mandatory modifications in response to these regulations shall pay a \$500 permit-modification fee, and the fee shall accompany each mandatory modification submitted.~~ Permit modifications required by LAC 33:VII.709.E.1 will not be subject to a permit modification fee.

D. Permit holders providing permit modifications for Type III facilities or beneficial use facilities shall pay a \$250 permit-modification review fee, and the fee shall accompany each modification submitted.

~~AUTHORITY NOTE: Promulgated in accordance with R.S. — 30:2001 et seq.~~

~~HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).~~

§5217. Closure Plan Review Fees

A. Applicants for Type I, I-A, II, and II-A closures shall pay a \$1,000 closure-plan review fee, and the fee shall accompany each closure plan submitted.

B. Applicants for Type III or beneficial-use facilities closures shall pay a \$250 closure-plan review fee, and the fee shall accompany each closure plan submitted.

C. Permit holders providing closure-plan modifications for Type I, I-A, II, and II-A facilities shall pay a \$500 closure-plan modification review fee, and the fee shall accompany each modification submitted.

D. Permit holders providing closure-plan modifications for Type III or beneficial-use facilities shall pay a \$125 closure-plan modification review fee, and the fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§5239. Transporter Annual Monitoring and Maintenance Fees

A. An initial fee is charged for the processing of transporter notifications. The fee shall be calculated by the following formula:

Initial fee per notification + fee based on each vehicle owned by the transporter = notification fee.

No fee is assessed for modifying an existing notification form. The fee shall accompany the notification form at the time of its filing.

Initial fee	\$100
Fee Per Vehicle	\$ 25

B. Small businesses which transport less than one hundred tons of solid waste per year and all nonprofit, civic, and fraternal organizations shall be exempt from the payment of solid waste transporter fees.

§525. Annual Monitoring and Maintenance Fees

AB. All holders of permits for solid waste processing and/or disposal facilities which have not completed closure, including post-closure activities, in accordance with an approved plan, shall be charged an annual monitoring and maintenance fee for each permit. This annual monitoring and maintenance fee shall be calculated by the following formula: base fee per permit + fee based on tonnage = annual monitoring and maintenance fee.

1. Base fees are as follows:

a. \$6,000 for Type I facilities (including facilities that handle both industrial and nonindustrial waste);

b. \$1,500 for Type II facilities; and

c. \$500 for Type I-A, II-A, III, and beneficial- use facilities.

2. Tonnage fees will be based on the wet-weight tonnage, as reported in the previous year's disposer annual report, and are calculated as follows:

a. for industrial wastes (Type I facilities, except surface impoundments), \$0.60/ton;

b. for nonindustrial wastes (Type II facilities, except surface impoundments), \$0.15/ton for amounts exceeding 75,000 tons;

c. for surface impoundments, no tonnage fee;

d. for publicly operated facilities that treat domestic sewage sludge, no tonnage fee; and

e. for Type I-A, II-A, III, and beneficial-use facilities, no tonnage fee.

3. The maximum annual monitoring and maintenance fee per facility for Type I facilities (including facilities that handle both industrial and nonindustrial solid wastes) is \$80,000; the maximum fee per facility for Type II facilities is \$20,000 (surface impoundments, as noted above, are assessed only the base fee).

BC. The annual monitoring and maintenance period shall be from July 1 through June 30, commencing upon promulgation of these regulations and terminating upon completion of closure or post-closure activities for the facility in accordance with the permit of the administrative authority. The annual monitoring and maintenance fee for facilities during post-closure shall be 25 percent of the applicable base fee in Subsection B.1 of this Section.

CD. Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

DE. Late Payment Fee. Payments not received within 15 days of the due date will be charged a late payment fee. Any late payment fee shall be calculated from the due date indicated on the invoice.

1. Payments not received by the department by the fifteenth day from the due date will be assessed a five percent late payment fee on the original assessed fee.

2. Payments not received by the department by the thirtieth day from the due date will be assessed an additional five percent late payment fee on the original assessed fee.

3. Payments not received by the department by the sixtieth day from the due date will be assessed an additional five percent late payment fee on the original assessed fee.

EE. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

EG. The annual fees prescribed herein shall be effective retroactive for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999).